

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 405

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 19-3508, IDAHO CODE, TO
PROVIDE AN ELIGIBILITY REQUIREMENT FOR A DUI DIVERSION PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-3508, Idaho Code, be, and the same is hereby
amended to read as follows:

19-3508. ELIGIBILITY FOR DIVERSION PROGRAM. A person is eligible to
participate in a diversion program if:

(1) The person has been charged with driving under the influence pur-
suant to section 18-8004 or 18-8004A, Idaho Code;

(2) At the time of the conduct underlying such charge, the person:

(a) Did not hold a commercial driver's license or commercial
learner's permit; and

(b) Was not operating a commercial vehicle;

(3) No other person is alleged to have been physically injured as a re-
sult of the conduct underlying such charge; and

~~(3)~~ (4) The person charged has not been convicted of driving under the in-
fluence or a substantially conforming foreign criminal violation within the
past ten (10) years and has not previously participated in a diversion pro-
gram pursuant to section 19-3509, Idaho Code.